

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ISAAC D. HARRIS, No. 447304,

Plaintiff,

v.

Case No. 2:21-cv-10290
Hon. George Caram Steeh

C. BODEN,

Defendant.

/

ORDER DENYING MOTION FOR RECONSIDERATION [ECF No. 7]

The Court summarily dismissed this pro se prisoner civil rights case. Plaintiff, Isaac D. Harris, a Michigan prisoner, claimed that an MDOC employee at his facility intentionally or negligently withdrew funds from his prison account in violation of MDOC policy. The Court dismissed the case because under the doctrine announced in *Parratt v. Taylor*, 451 U.S. 527 (1981), Plaintiff failed to assert a lack of adequate state post-deprivation remedies.

Before the Court is Plaintiff's "Objection" to the summary dismissal order, which the Court interprets as a motion for reconsideration. As the Court understands his argument, Plaintiff asserts that *Parratt* does not apply to the taking of money as opposed to other forms of property, and he asserts that his filing a grievance in the MDOC without success satisfied the pleading requirement to allege that post-deprivation remedies were inadequate.

To be entitled to reconsideration, a movant must show a palpable defect by which the court and the parties have been misled and that a different disposition of the case must result from a correction thereof. *Witzke v. Hiller*, 972 F. Supp. 426, 427 (E.D. Mich. 1997).

Plaintiff fails to show a palpable defect. *Parratt* applies to the alleged intentional or negligent unauthorized deprivation of money as alleged in the complaint. *See, e.g., Stork v.*

McKinley, 444 F. App'x. 920 (7th Cir. Oct. 21, 2011). Furthermore, Plaintiff does not assert that he has inadequate post-deprivation remedies. As explained in the opinion of dismissal, Plaintiff's complaint failed to address the adequacy of the Prisoner Benefit Fund, Mich. Dep't of Corr., Policy Directive 04.07.112, ¶ B (effective Dec. 12, 2013), the availability of claims to the State Administrative Board, MICH. COMP. LAWS § 600.6419, MDOC Policy Directive 03.02.131 (effective Oct. 21, 2013), and the availability of claims to the Court of Claims. MICH. COMP. LAWS § 600.6419(1)(a).

Accordingly, Plaintiff's motion for reconsideration is denied.

SO ORDERED.

s/George Caram Steeh
George Caram Steeh
United States District Court

Dated: November 30, 2021